UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1992/SR.17
20 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 August 1992, at 3 p.m.

Chairman: Mr. ALFONSO MARTINEZ
later: Mr. CHERNICHENKO

CONTENTS

Consideration of draft resolutions and decisions

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (continued)

Review of the work of the Sub-Commission (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-13260/4808B (E)

The meeting was called to order at 3.25 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS

Human Rights and Scientific and Technological Developments (agenda item 12) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.4

1. Draft resolution E/CN.4/Sub.2/1992/L.4 was adopted without a vote.

Encouragement of universal acceptance of human rights instruments (agenda item 13) (continued)

Draft Resolution E/CN.4/Sub.2/1992/L.5

2. Ms. CHAVEZ inquired whether a list existed of countries which had accepted various human rights instruments but had been found to have violated their commitments.

3. The CHAIRMAN said that the Secretariat regularly issued a list of human rights instruments in force, showing which countries had ratified them and which had signed but not ratified them.

4. Ms. CHAVEZ said that members were aware which countries had been cited for violations but she wanted to know whether a list of those countries had been compiled.

5. The CHAIRMAN, said that while the resolutions of each human rights body were included in the annual reports of those bodies, there was no compilation of States on which decisions had been taken.

6. Mr. AL-KHASAWNEH said that there was no problem in listing whether States parties had adhered to a particular convention. That was a question of fact. Whether States had violated treaties was, however, a matter of opinion and it would therefore be difficult to agree on such a list.

7. Mrs. WARZAZI said that the draft resolution dealt specifically with the efforts which should be made to encourage countries to ratify conventions; that was why the Secretariat issued from time to time a list of countries which had ratified them. A list of countries which had violated their obligations would presumably be quite long but that issue was not within the scope of the draft resolution.

8. Mr. CHERNICHENKO suggested that such a list could perhaps be discussed under agenda item 3.

9. Ms. CHAVEZ said that she agreed with Mr. Chernichenko and therefore did not wish to amend the draft resolution.

10. Mrs. KSENTINI said that the draft resolution was virtually identical to the texts which the Sub-Commission had adopted in the past. Operative paragraphs 1 and 2 would bring the siutation up to date by taking note of

ratifications or accessions by States and by including in the list of human rights instruments the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

11. Mr. DESPOUY suggested that future notes by the Secretary-General concerning the ratification of, or accession to, relevant human rights instruments might include views regarding circumstances which might favour or alternatively make it difficult for States to adhere to such instruments.

12. Draft resolution E/CN.4/Sub.2/1992/L.5 was adopted without a vote.

Contemporary forms of slavery (agenda item 16) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.3

13. Mr. AL-KHASAWNEH said that, in the third line of operative paragraph 4, the term "children's bodily products" should be replaced by "children's labour".

Paragraph 9 should be reworded as follows:

"Decides to transmit to the Commission on Human Rights the draft programme of action for the elimination of the exploitation of child labour as reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolutions 1991/54 of 6 March 1991 and 1992/74 of 5 March 1992 contained in the report of the Working Group (E/CN.4/Sub.2/1992/34, annex)."

The reason for the change was to focus attention on the paragraph by amplifying its contents.

14. Mrs. KSENTINI proposed that, in operative paragraph 29, the phrase following the words "in this resolution" should be reworded as follows: "and the report of the Working Group on the work of its seventeenth session, drawing their attention to the recommendations contained therein of relevance to them and transmitting information of interest to them". Her amendment would permit the Secretary-General to transmit to the different committees and special rapporteurs not only the draft resolution under consideration and its recommendations but also the material contained in the report of the Working Group, not all of which had been incorporated in the draft resolution.

15. Mr. BOUTKEVITCH proposed that, in operative paragraph 14, the words "the prohibition of" should be added between "norms and standards concerning" and "the traffic in persons".

16. Mr. GUISSE proposed that, in operative paragraph 12, the words "continued to take part in hostilities and" should be deleted.

17. Mr. YIMER considered that, in operative paragraph 14, the word "prohibition" might be replaced by "suppression" which was the term used in the Convention on the issue.

18. The CHAIRMAN said that the draft resolution had administrative and budgetary implications.

19. Mr. CISSE (Secretary of the Sub-Commission) said that the cost estimates of the draft resolution were based on previous expenditure patterns and were submitted to the Sub-Commission for information purposes under rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. The provisions for 1992 and 1993 were already included in the programme budget for the biennium 1992/1993. Under operative paragraphs 8 and 31 of draft resolution E/CN.4/Sub.2/1992/L.3, the total cost estimate for 1993 would be $39,500.

20. Draft resolution E/CN.4/Sub.2/1992/L.3, as amended, was adopted.

Draft resolution E/CN.4/Sub.2/1992/L.6

21. Draft resolution E/CN.4/Sub.2/1992/L.6 was adopted without a vote.

Promotion, protection and restoration of human rights at national, regional and international levels (agenda item 17) (continued)

(b) Prevention of discrimination and protection of women (continued)

Draft resolution E/CN.4/Sub.2/1992/L.7

22. Mrs. WARZAZI proposed that the word "armed" should be deleted from the penultimate preambular paragraph: women could be involved in other kinds of conflicts also.

23. Mr. GUISSE proposed that, in operative paragraph 1, the words "human rights" should be replaced by "such".

24. Mrs. WARZAZI said that, in the agenda of the Third Committee of the General Assembly, the item on human rights covered the Convention on the Rights of the Child. Women's rights, however, were discussed under social issues. Women's rights were not a social but a human rights issue and should be treated as such.

25. Mr. GUISSE said that, in the light of Mrs. Warzazi's comment, he would withdraw his amendment.

26. Mr. YIMER thought that the wording of operative paragraph 1 implied that women's rights were not presently recognized in international law as human rights. The wording of the paragraph should be changed so as to reaffirm that women's rights were indeed recognized as human rights. The first phrase of operative paragraph 1 should therefore be revised to read "Reaffirms that women's rights are recognized as human rights ...".

27. Mr. HELLER supported Mr. Yimer's proposal.

28. Draft resolution E/CN.4/Sub.2/1992/L.7, as amended, was adopted.

29. The CHAIRMAN announced that, with the adoption of the five draft resolutions, the Sub-Commission had completed its consideration of items 12, 13, 16 and 17 of its agenda.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1992/13-14, 39-41; E/CN.4/1993/3-E/CN.4/Sub.2/1992/42; E/CN.4/1993/5-E/CN.4/Sub.2/1992/43; E/CN.4/Sub.2/1992/45, 47, 49; E/CN.4/Sub.2/1992/NGO/4, 6, 8, 13-14)

30. Mr. FREDERICK (Service for Peace and Justice in Latin America) said that Peru had been in a grave political situation since the coup d'état of 5 April. On one hand, a dictatorial regime had taken over all the power of the State, and on the other Shining Path was using indiscriminate terror to achieve its ends.

31. Over the past two years, under the Fujimori Presidency, 5,767 persons had been victims of political violence, of whom 2,970 had died in armed confrontations, 2,301 had been murdered or killed in extrajudicial executions and 405 had disappeared at the hands of the forces of law and order. The Fujimori dictatorship had shown itself to be totally incapable of containing that wave of violence or of preventing human rights violations.

32. As pointed out by the Human Rights Committee, under the dictatorship there had been a de facto derogation from Peru's international obligations under the International Covenant on Civil and Political Rights, including inalienable rights. Faced with such a situation, the international human rights community must speak out in favour of close supervision, through the appropriate mechanisms, of the human rights situation in Peru.

33. His organization condemned the goals and methods applied by Shining Path. Peruvian human rights organizations had published numerous statements denouncing such criminal acts as murder, the planting of bombs in automobiles and group massacres. But those statements did not mean that the persistent human rights violations committed by agents of the State could be overlooked or excused. During its consideration of the second periodic report of Peru (CCPR/C/51/Add.4), the Human Rights Committee had stressed that terrorism by individual groups could not be combated by State terrorism.

34. President Fujimori had placed restrictions on various fundamental liberties at the same time that he had announced a plan for restoring democratic institutions. His regime intended to set the conditions and timetable unilaterally without consulting the political parties. The Constitution had remained suspended, and there were no human rights guarantees whatsoever.

35. International pressure was indispensable in order to secure respect for human rights in Peru. The Organization of American States, the European Parliament and a number of Governments had condemned the coup d'état and had

called for respect for the human rights of all Peruvians. That would not play into the hands of Shining Path, as some had maintained; on the contrary, the best way to combat that group was to improve the human rights situation in Peru. His organization therefore called upon the Sub-Commission to draft a resolution condemning all human rights violations in Peru, and not just the crimes of Shining Path. Furthermore, the Sub-Commission should request the Commission on Human Rights to appoint a special rapporteur for Peru.

36. In Colombia, important political changes had taken place in the past year, such as the adoption of the new Constitution and the initiation of a dialogue between the Government and the guerrilla. But the human rights situation in that country continued to be one of the most critical in Latin America. In the past five years, the average rate of 10 persons killed daily for ideological reasons had not varied: 5 killed for political reasons, 4 in the armed conflict between the army and guerrilla groups and one in actions of "social cleansing". The figures also showed an average of one disappearance every two days.

37. In cases in which the guilty parties had been identified, 40 per cent were the work of State agents and 30 per cent that of paramilitary groups. Yet impunity continued, due not simply to the fragility of the judicial branch but also to unwillingness on the part of the State to dismantle the paramilitary groups and to democratize the armed forces and the security organs.

38. Furthermore, the extension of military jurisdiction to the national police, the possibility under the new Constitution for police officers to invoke the order of a superior as justification for human rights violations and the continuing recourse to the state of siege had made the effective operation of the Constitution more difficult.

39. With regard to the armed conflict, 4,420 dead and 2,569 injured had been confirmed between 1988 and 1991, of whom 438 dead and 721 injured had been civilians, 1,379 dead and 1,728 injured members of the armed forces and 2,603 dead and 120 injured members of guerrilla organizations. Those figures revealed a high number of civilian victims and a disproportion between the number of dead and wounded among the members of the guerrilla.

40. The problem of domestic refugees had become increasingly alarming. Estimates by national and international non-governmental organizations of the number of persons displaced by political violence and the domestic conflict ranged between 150,000 and 300,000. The vast majority of those persons were peasants who had had to leave their region because of the activities of paramilitary groups operating under the protection of the armed forces and the massive and systematic bombardments carried out in those areas by the army. The Colombian Government had undertaken no action whatsoever to protect the displaced population, to stop the bombardments or to curb the paramilitary groups. In June, the Barrancabermeja shelter had been closed until the Government could provide effective protection for displaced peasants against attacks by paramilitary groups.

41. The human rights situation in Colombia, one of the worst in Latin America, could only improve through greater efforts on the part of the Colombian Government and with the solidarity of the international community. Colombia must ensure that human rights were guaranteed in its legal system and must place the armed forces and the security forces under closer control. His organization therefore called upon the Sub-Commission to recommend the appointment, by the Commission, of a rapporteur to study the situation in Colombia, and to report to the Commission and to advise the Government of Colombia on the above-mentioned points.

42. Mr. BALIAN (Human Rights Advocates) said that since the previous summer human rights abuses in Tibet had continued unabated, prompting further unrest and resistance. In a testimony on 13 July 1992 before the Foreign Relations Committee of the United States Senate, the Executive Director of Asia Watch had stated that the human rights situation in Tibet appeared to be deteriorating and that the number of pro-independence demonstrations had increased, along with the number of arrests, 69 people, most of them young monks and nuns, having been arrested so far in 1992. Confined earlier to Llasa, unrest had spread to rural areas hundreds of kilometres from the capital, leading the Tibetan branch of the Chinese Communist Party to announce a campaign against "rural nationalism". The result of such campaigns was invariably massive arbitrary detentions and, often, physical abuse.

43. Some detainees were held in detention centres without trial, while others were tried without the benefit of due process and were sent to remote labour camps or maximum security prisons. In a recent report on repression in Tibet, Amnesty International had confirmed arbitrary arrests, the widespread use of torture and ill-treatment of detainees, the long-term detention of prisoners of conscience and numerous killings of unarmed demonstrators.

44. Such a pattern of gross human rights violations must be considered in the context of China's overall policy of attempting to eliminate Tibet as such. That policy included mass killings and the repression of any resistance to Tibet's absorption into China, sterilization and other forced population control measures, and a population transfer of Chinese into Tibet. Yet despite more than 40 years of that genocidal policy, the Tibetan people remained determined to regain its freedom and refused to give up its religion or distinct national identity or to disavow its Head of State and spiritual leader, the Dalai Lama.

45. Regardless of changes in leadership or national policy in China, human rights violations in Tibet would persist until a fundamental solution was found to the underlying problem: China's continuing occupation of Tibet. To pretend that human rights abuses in Tibet could be eliminated without addressing the occupation of Tibet by China was like pretending that the human rights situation in South Africa could be improved without dismantling apartheid; to suggest that genuine acceptance by China of cultural autonomy for Tibet would do away with the repression in Tibet was like suggesting that if Iraq had granted genuine cultural autonomy to Kuwait, the international community would have excused its annexation of that country.

46. The Tibetan people had an inalienable right to self-determination because Tibet was under alien occupation and because China's rule of Tibet was in essence a colonial one. His organization wished to join the many non-governmental organizations which continued to draw the attention of the Sub-Commission and the Commission on Human Rights to the grave human rights violations in Tibet; it was convinced that the Sub-Commission should pursue its scrutiny of China's policies and practices in Tibet.

47. Ms. BARKI (International Progress Organization) said that, with the apparent aim of creating an ethnically homogeneous "Greater Serbia", the Serbian army and militia had been violating fundamental principles of human rights, including the Convention on the Prevention and Punishment of the Crime of Genocide. The United Nations had a special responsibility for restoring peace and respect for human rights in the former Yugoslavia, and the Commission on Human Rights must investigate human rights violations there and propose adequate measures for the protection of innocent citizens.

48. Since the beginning of the war, at least 12,500 Croatian citizens had disappeared. More than 3,000 civilians had been deported by the Serbian army and militia after the conquest of Vukovar, including 247 patients and staff members of the city hospital; their fate was unknown. Croatians were being held in 19 camps and prisons, particularly in Smirska Mitrovica and Niš. Inmates there had no contact with their families, and lawyers were not allowed to visit them. In Belgrade, criminal proceedings had been initiated in a military court against 155 Croatian citizens who had been defending Vukovar, even though the scene of the alleged crimes was Croatia, which meant that its citizens must answer to a Croatian court. Four death sentences and 27 lengthy terms of imprisonment had already been pronounced. The basic rules of a fair trial had been violated. All those currently accused had been captured on 20 November 1991, the day of Vukovar's capitulation, and deported to the Smirska Mitrovica camp. Confessions had been extracted under duress and through blackmail, and sometimes by torture. Witnesses had not been heard. It had been impossible for observers to be present at the trials. The accused Croatians were prisoners of war who had defended their native town against outside aggression, and who found themselves being accused, as "Yugoslav citizens", which they no longer were, of armed rebellion and of endangering the constitutional, social and State order and national security.

49. The International Progress Organization urged the Commission on Human Rights to look into those cases. Croatian citizens must be treated as prisoners of war under the terms of the Geneva Conventions and the Additional Protocols. The Commission on Human Rights should create an institutional framework within the United Nations to enable fact-finding missions to be sent not only to Bosnia and Herzegovina, but also to Croatia and Serbia. A special rapporteur should be appointed for all those areas. Member States and the Security Council should take all necessary measures to ensure that independent observers, in particular representatives of the International Committee of the Red Cross, had access to all camps and prisons. An international tribunal must be set up to investigate the grave human rights violations, war crimes and crimes against humanity that had been committed in connection with the above-mentioned aggression.

50. The International Progress Organization urged that the international community should be alerted and reminded of its collective responsibility for putting an end to the gross human rights violations being committed in the former Yugoslavia. Only if swift and decisive action were taken in defence of the innocent victims of that brutal war could the credibility of the United Nations be preserved.

51. Ms. SALIMI (International Falcon Movement-Socialist Educational International) drew the Sub-Commission's attention to the ongoing unprecedented human rights violations in the Islamic Republic of Iran. The current wave of mass arrests and executions was reminiscent of the genocidal executions of 1988, when hundreds of protesters had been arrested and more than 20,000 political prisoners executed. In such circumstances, it was impossible to ensure a safe future for children, which was her organization's particular concern.

52. Since January 1992, the world media had reported hundreds of anti-Government demonstrations in Iranian cities. The mullahs had reacted by stepping up the repression. Thousands had been arrested and many executed in the cities of Mashhad, Shiraz and Arák. Among those executed had been political activists and supporters of the People's Mujahidin Organization. The 13 June 1992 issue of The Economist had reported that on 10 June, four men had been hanged in Mashhad and four had been hanged and five others sentenced to death the next day for their part in the riots in Shiraz.

53. The Iranian leaders had given instructions to step up the repression. According to a report of the Associated Press of 1 June 1992, the heavily censored Iranian newspapers had been making oblique references to demonstrations in which 2,000 to 3,000 people had reportedly been arrested. In July 1992, more than 500 newly established anti-riot battalions had held urban manoeuvres in cities. Commenting on those manoeuvres, the Associated Press on 18 July 1992 had recounted that thousands of paramilitary troops had marched through Tehran and other cities as a warning that further protests would be ruthlessly crushed.

54. The regime had been staging a brutal crack down on Iranian women, systematically imposing floggings, arrests and stonings. Recently, the mullahs had adopted new harassment tactics, using local paramilitary forces to attack women in the streets. According to a report in the newspaper Jomhouri Islami of 2 August 1992, 113,000 women had been arrested the previous year and charged with being improperly dressed and spreading moral corruption.

55. Such brutal treatment must surely arouse the concern of the international community about the human rights violations being committed against the Iranian people. Her organization urged the Sub-Commission to adopt a strongly-worded resolution condemning such violations of human rights.

56. Mr. MUHARAM (Liberation) drew attention to three territories - Aceh, West Papua and East Timor - where people were waging liberation struggles against Indonesian rule and which the Indonesian authorities recognized as being under threat from "separatist movements", which they branded as "security disrupter gangs". The army chief-of-staff had called for a concerted push to wipe out militant separatists as an obstacle to economic development.

57. The Indonesian Government's strategy against these liberation movements was basically threefold: army operations against armed movements resisting Indonesian rule, intimidation of the civilian population, and trials of sympathizers, in most cases under the Anti-Subversion Act. The army was responsible for numerous killings and disappearances, and because the authorities prevented the foreign press and independent observers from entering the three areas, such crimes went on largely unreported. The trials were intended to create the impression that "separatists" and their supporters were treated according to due process. The Anti-Subversion Act continued to be used in dozens of cases, despite the recommendation of the Commission's Special Rapporteur on torture that it be repealed because its definition of subversion was "broad and loose". As the Special Rapporteur had stated, it was not necessary that the acts concerned had actually had the effect of endangering security; it was sufficient that they might have had that effect. It was therefore no wonder that trials for subversion never resulted in acquittals and that the sentences imposed were savage in the extreme.

58. The human rights situation in Aceh was extremely serious. The Sub-Commission had already received a number of complaints over the past two years, but the United Nations had taken no action. The Commission's Special Rapporteur on torture had been refused permission to visit Aceh when he had been in Indonesia in November 1991. According to the most conservative estimates, at least 2,000 persons had been killed during army operations between 1989 and 1991, although the death toll might be 10 times that figure. Liberation appealed to the Sub-Commission to insist that the Indonesian authorities allow members of the Working Group on Enforced or Involuntary Disappearances to visit Aceh without delay.

59. There had been at least 40 trials for subversion in Aceh in the past year or so, involving people from all layers of society. Heavy sentences had been imposed. The trials had been analysed at length by the Jakarta-based Legal Aid Institute in a report entitled Summary of the Results of Trial Observations in Aceh, which had recently been banned by the Indonesian Attorney-General.

60. In West Papua there had been many reports of army operations against guerrilla units operating near the border with Papua New Guinea. Some operations had come to light largely because they had involved illegal incursions by Indonesian troops across the border into Papua New Guinea, where villagers had been left frightened and angry. There had been no independent investigation of army killings in West Papua, making it difficult to estimate the scale of atrocities. Neither had there been any investigation into the death of the Free Papua Movement leader who had been found dead after allegedly escaping from prison. There were more West Papuans serving sentences for subversion than any group in Indonesia. According to a very reliable source, no fewer than 129 West Papuans had been tried in the past few years under the Anti-Subversion Act for supporting movements rejecting Indonesian rule. Nearly 80 of them were serving their sentences far from home; 28 were serving sentences of 10 years or more.

61. In East Timor, the killing of up to 200 peaceful demonstrators at the Santa Cruz cemetery in November 1991 had drawn attention as never before to the killer practices of the Indonesian occupation forces. For years Liberation had called the attention of the Commission and the Sub-Commission

to massacres in East Timor, many of them on a far larger scale than that which had occurred in November 1991, which only the presence of foreign journalists had imprinted on to the world's conscience. There could be little doubt that the international outcry had forced the Indonesian authorities to limit the number of East Timorese tried in the wake of the massacre. Nevertheless, some had received heavy sentences. The Sub-Commission had a duty to censure Indonesia for proceeding with those trials in violation of the undertaking given in the consensus statement of the President of the Commission on 4 March, countersigned by the Indonesian Mission, which indicated that those not involved in violent activities were to be released without delay.

62. International investigation teams, the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary and arbitrary executions should visit the three territories where the Indonesian authorities had imposed systems of colonial rule. The killings and endless trials for subversion could not be allowed to continue. Liberation urged the Sub-Commission to monitor human rights violations in those three territories and to take concrete action to put an end to the violence and terror.

63. Ms. CHAVEZ recalled that at a previous meeting Mr. Merrills had suggested that the Sub-Commission should try to classify human rights abuses and had offered a framework for doing so; Mr. Eide had offered similar suggestions. Her own framework would be as follows.

64. First, some violations of human rights were clearly committed by individuals acting on their own. Indeed, the creation of civilized society had in part been motivated by an effort to adopt and administer laws to deal with such offences. Second, abuses could be committed by indivuals who were in positions of authority within a Government; they might be acting on their own or they might be acting in complicity with the Government. In the former case those involved could usually be dealt with through criminal or civil procedures. The latter case required greater scrutiny and care to determine whether the abuse was part of a pattern or even a policy of the Government in question. The important point was that there should be institutions and procedures in place to deal with such abuses. A third and particularly heinous form of human rights abuse were the abuses that were practised as part of the policy of a Government in order to intimidate its people or any part thereof. In recent years some encouraging changes had occurred in the former USSR, eastern Europe, Latin American, Asia and Africa, but unfortunately the latter form of human rights abuse was still to be found. Totalitarian systems still existed in Cuba, North Korea and Iran, where religion had been perverted into an instrument of persecution.

65. It was not surprising that regimes which maintained power without the consent of the people eventually abused that people. China, now the oldest communist dictatorship in the world, was a case in point. Recent years had brought hope that liberalization would bring greater freedom. To a limited extent it had done so, in the economic sphere. That was an important first step, but it was not enough: nowhere were full bellies all that it took to satisfy the human urge for justice. Everyone was aware of the tremendous violations of human rights in Tiananmen Square in 1989 and their aftermath. Serious abuses of basic human rights were continuing, although more discreetly. Credible allegations of torture had been reported. At present

some 55 offences, including offences of a purely political nature, carried the death penalty, and executions occurred without what would be recognized by international standards as a fair trial. There was also evidence that hundreds of thousands of people - and, in one estimate by the United States Government, 1.5 million - were imprisoned in forced labour camps. It was therefore of special concern that goods produced under conditions of forced labour should not find their way on to consumer markets; nowhere should unwitting customers subsidize such inhumane practices. China was by no means the only country that abused its own people, but, because it was so large and populous, the Sub-Commission must be specially concerned about human rights violations there.

66. Mr. Eide and others had drawn attention to another form of systematic violations of human rights - those perpetrated by so-called liberation movements. Shining Path was one of the most notorious but by no means the only group of that kind. Several such organizations had terrorized the Middle East and elsewhere. Not only had lives been lost, but scarce resources had had to be diverted to provide security. Some organizations that practised terrorism were supported by Governments, which also gave asylum to them. It was important to find solutions to avoid repeating the past. Terrorism, whether it was practised by a Government against its own people or by individuals and organizations, must be condemned in the most vigorous terms. She hoped that the Middle East peace talks due to take place later in the month would lead to an end, or at least to a diminution, of further violence in that region.

67. Ms. BARRETO DOS SANTOS (Defence for Children International) drew attention to the tragedy in East Timor and appealed for justice and protection of human rights, which had been trampled on there since 7 December 1975. Children and young people had become the primary target of the occupation forces, following the death of 200,000 people - about one third of the population - during the first decade after the invasion. The most horrifying atrocities had taken place, representing a systematic violation of human rights of which only a small part filtered out because of the tight control and isolation of the half island.

68. On 12 November 1991 an international community that had been indifferent for too long had been jolted into reality. On that day nearly 900 Timorese had been killed, arrested or wounded or had disappeared, 24 per cent of them children. Nine months after the massacre of Santa Cruz there was no indication of the names of the victims, the bodies had not been given back to their families, the burial places had not been identified and there was no news of the missing persons. However, the most detailed survey carried out so far confirmed that 64 children had been murdered by the occupation forces.

69. The Convention on the Rights of the Child demanded for each child happiness, love and understanding. It forbade torture, physical and mental violence, mistreatment and negligence. It encouraged the preparation of the child for a responsible life in a free society, in a spirit of peace, of tolerance and of respect for human rights. The situation prevailing in East Timor stood in stark contrast with those goals, despite Indonesia's ratification of the Convention on the Rights of the Child. The colonial repression against children and youth had produced a spiral of violence with

no end in sight. The East Timorese people wanted peace restored to their homeland and therefore reiterated their commitment to cooperate with all parties concerned, under United Nations auspices, to put an end to the human rights violations in East Timor.

70. Mr. Chernichenko took the Chair.

71. Mr. AL-ATTAR (Arab Lawyers Union) said that a large number of territories had achieved self-determination in the past four decades but Palestine was still denied that right. Israel continued to occupy the West Bank and the Gaza Strip in defiance of United Nations resolutions. Serious violations of human rights were occurring there. The Israeli authorities had even opened fire on children, and many of them had been killed or wounded. Secret units assassinated Palestinians, many of whom had been tortured in prison. Collective punishments such as the demolition of houses and the cutting-off of electricity supplies had taken place. Palestinians had been exiled, land had been confiscated, and Jewish settlements had been established. The Israeli authorities must apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Jewish immigration continued, especially from the former USSR. Unemployment among Palestinans was much higher than that among Jews, who were generally better treated. The Arab Lawyers Union urged all parties present to press for the implementation of the relevant United Nations resolutions and to protect Palestinians against arbitrary acts.

72. In Lebanon, Israel was refusing to comply with Security Council resolutions, was kidnapping individuals, and was launching air raids on several parts of the country. Human rights violations were still taking place in the Golan Heights.

73. In other Arab countries the major obstacle to the enjoyment of human rights was the lack of democracy. In most Gulf countries political parties and trade unions were not allowed to operate. In Algeria the victory of the opposition had led to its dissolution and to the imposition of sentences by military courts that were not independent. In Tunisia the authorities refused permission for the formation of popular political parties and there were many cases of arbitrary arrest and torture. In Somalia many people were being killed and injured. In Iraq the people had paid a heavy price for the war and the economic embargo. Political parties should be given freedom and free elections should be held. In Sudan political parties had been dissolved and restrictions had been placed on trade unions and the press. Complaints of torture had been received.

74. Ms. de VLAMING (World University Service) drew attention to violations of the human rights of academics, students and others involved in the educational sector. In the Sudan, the university and school systems had been severely affected since 1989 by the consequences of the regime's fundamentalist ideology, with university professors and students dismissed, arrested, tortured and killed for purely ideological reasons. Student and faculty associations had been banned, university campuses had been occupied by security forces, and several organizations had expressed concern about the so-called "Islamization" of school and university curricula, which excluded a significant portion of the southern Sudanese population from university education. Protests against that situation had led to the dismissal of staff, the closing of schools and

public universities, and to widespread arrests and torture. The situation called for urgent action by the Sub-Commission. She drew attention to the detailed information on violations of the human rights of Sudanese academics and students, contained in the report by the New York-based human rights organization Fund for Peace entitled Abuses of Academic Freedom in Sudan, published the previous May.

75. In Guatemala, extrajudicial executions, enforced disappearances, torture and death threats persisted. Recent reports indicated that during the first months of 1992, 399 extrajudicial executions had been carried out. Most of the violations were alleged to have been committed by the security forces, and in particular by the so-called Hunaphu Corps. Against the background of the peace negotiations between the Government and the Guatemalan National Revolutionary United Front (URNG), the security forces and the army had increased their repressive actions against all sectors of society, and in particular, the indigenous population. The academic community continued to be a target of threats, intimidation, extrajudicial executions, forced disappearances, bomb attacks and arbitrary arrests. Since the beginning of 1992, her organization had received reports of the killing of no fewer than nine academics and students from San Carlos University in Guatemala City, while one student had been abducted. World University Service urged the Sub-Commission to adopt a resolution reflecting that situation and calling upon the Government of Guatemala to respect fully the fundamental rights of the Guatemalan people.

76. Her organization wished once again to draw attention to the situation in Sri Lanka, where human rights violations had become such a routine occurrence that they had ceased to attract the attention of the international community. At the end of 1991, schools and examination centres had been attacked by the Sri Lankan Air Force during a period when examinations were being held. The Government had recently reported that more than 30,000 students in the north of the country had been affected as a result of the civil war.

77. In Peru, following the coup d'état by President Fujimori the previous April, the military now had carte blanche to take all measures deemed necessary on the campuses of State universities without prior authorization. At San Marcos University in Lima, the result had been the permanent presence of 200 soldiers, total control of all student movements, arbitrary arrests of students and their subsequent detention at police stations or army barracks, ill-treatment and torture, sometimes resulting in the death of the detainees.

78. Her organization welcomed the successful conclusion of the negotiations between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). The agreements signed in Mexico in January 1992 had paved the way for national reconciliation and the construction of a democratic society in which the military was subordinate to civilian power and full respect for human rights was guaranteed. However, the overall picture continued to give rise to concern, as was apparent from the most recent report released on the United Nations Observer Mission to El Salvador (ONUSAL). The Mexico agreements had created the institutions and framework necessary to enforce full respect for human rights; but international attention and pressure were still required in order to guarantee that those measures were implemented.

Furthermore, the key role of ONUSAL was jeopardized by the threats to which it had recently been subjected. Her organization thus believed that the Sub-Commission should adopt a resolution as a contribution to eradicating human rights violations in El Salvador and securing full compliance with all agreements signed between the Government and the FMLN.

79. Mr. DAWALIBI (Observer for the Syrian Arab Republic) wished to correct the statement made by the representative of the World Organization Against Torture, which had contained allegations of ill-treatment and torture by Syrian occupying forces in Lebanon. The only occupying forces in Lebanon were Israeli forces. Syrian forces were present in Lebanon solely to defend Lebanon's sovereignty and territorial integrity, and at the invitation of the Lebanese authorities.

80. Mr. CUESTAS (Observer for Guatemala) referred to the statement made at the previous meeting by the representative of the International Indian Treaty Council. Contrary to her assertions, no law existed in Guatemala protecting persons responsible for human rights violations; all citizens were equal before the law. Measures to combat impunity were a fundamental aspect of the Government's policy, as was demonstrated by specific measures such as the training of police which included training in human rights. Programmes were also under way to strengthen the Office of the Attorney General of the Nation and the judiciary. Those programmes formed an integral part of the national human rights plan being implemented with assistance from the Centre for Human Rights in the context of its programme of advisory services. The Government of Guatemala had never denied the right to existence of the Commission to investigate violations of human rights, which formed part of the draft agreement on human rights proposed to the two parties in the negotiations by Monsignor Quezado Toruño. That proposal had been accepted by the Government, but not by URNG.

81. With regard to the Voluntary Civilian Self Defence Committees, the Government had expressed its willingness to disband them within the framework of the agreements with URNG on demobilization of armed groups. Agreement had been reached on that matter in Mexico only a few days previously.

82. With regard to the mechanism for verification, from the outset of the talks with URNG the Government had accepted such a mechanism involving active participation by the United Nations. Monsignor Quezado had proposed a special human rights verification mechanism, which had been accepted by the Government, but not by URNG.

83. With regard to the proposal to send a mission to Guatemala, he pointed out that there was already an Independent Expert on Guatemala appointed by the Commission on Human Rights, whose mandate was sufficiently broad to cover all aspects of human rights, as could be seen from his reports, which contained chapters specifically devoted to the indigenous population. The Independent Expert had noted the very extensive assistance afforded to him by the Government in studying the situation and preparing his reports. It would not be appropriate to establish a further mechanism, which might hinder the work of the Independent Expert and constitute a duplication of efforts by the United Nations organs.

84. Mr. OSMANY (Observer for Bangladesh) said that the people of the Chittagong Hill Tracts did not differ racially, economically or in religion from the people in other parts of Bangladesh. Race was a concept that could be ascertained by means of the disciplines of biology and anthropology; and those disciplines would bear out that the people of Bangladesh constituted one race - a mixed race.

85. The principal issue in the Chittagong Hill Tracts was terrorism, and talk of "unrest" and "resistance" was euphemistic. Since the early 1970s, the Chakma terrorists had sought to dominate the other 12 tribes by terrorism and violence. The army had been called in to support the civil authorities. Only days previously, those terrorists had killed four policemen. How, then, could one demand that the army should be withdrawn from the area?

86. There had been a movement of labour to the Hill Tracts in the late 1970s as a result of an upturn in economic activity in the area. However, free movement of factors of production was an accepted principle of a market economy.

87. Land-related litigation and criminal proceedings accounted for about 70 per cent of the cases before the courts of Bangladesh. The land issue was nothing unique to the hill areas, but was inevitably a national phenomenon in a crowded country like Bangladesh. In view of dissatisfaction among some people in the Hill Tracts, a special land survey was being conducted to establish and determine right, title and interest in land in that area.

88. Prime Minister Begum Zia had personally visited the Logang area following a sad incident triggered by Chakma terrorism, and had reiterated her Government's policy of continuing to work towards a political solution. Yet how could one negotiate with a band of terrorists based outside Bangladesh? Those leaders actually in touch with the people were either sitting in Parliament or running the elected local Government. The nine-member Parliamentary Committee established by the Government to examine the issues of the Hill Tracts included an opposition member of Parliament. It could thus not be said that elected members of Parliament from the area were excluded from the Parliamentary Committee.

89. His delegation deplored the growing abuse of the special rapporteur mechanism, which was being extended to cover any and every minor problem of national integration.

90. Mr. CHAAR (Observer for Lebanon) said that the allegations of ill-treatment and torture by the Lebanese authorities made by a non-governmental organization at the previous meeting were entirely unfounded, and were simply an attempt to tarnish the reputation of his Government.

91. Mr. BALOCH (Observer for Pakistan) said that the wild allegations made at the previous meeting by the representative of Anti-Slavery International for the Protection of Human Rights regarding bonded labour and child labour in Pakistan were entirely unsubstantiated. As to the reference to the sexual abuse of children, Pakistan's social system, religion and culture would never permit such abominable acts to be committed.

92. On 8 May 1992 his delegation had made a comprehensive statement in the Working Group on Contemporary Forms of Slavery, describing the steps taken by the Government of Pakistan to eradicate bonded and child labour. Those steps included the decision by the Supreme Court whereby brick kiln labourers were considered as bonded labourers for the first time; the enactment of Act No. 5 of 1991 prohibiting the employment of children in certain occupations and regulating children's conditions of work; and the enactment in 1992 of the Bill prohibiting the use of bonded labour. Committees were being formed to monitor implementation of the new legislation.

93. Mr. Alfonso Martínez resumed the Chair.

REVIEW OF THE WORK OF THE SUB-COMMISSION (agenda item 3) (continued) (E/CN.4/Sub.2/1992/1 and Add.1; E/CN.4/Sub.2/1992/3 and Add.1; E/CN.4/Sub.2/1991/16; E/CN.4/1992/46)

94. Mr. JOINET referred to the new version of the inter-sessional Working Group's draft guidelines on the Sub-Commission's methods of work, amended to take account of experts' reactions to the draft guidelines previously submitted. The new version was intended to command the broadest possible consensus. He hoped that it would be possible to adopt it without a vote as soon as the debate on item 6 was concluded. Rule 18, regarding the delicate question of the participation of alternates, was still reserved. Mr. Heller had suggested that the most controversial paragraph of that Rule, namely paragraph 3, might perhaps be deleted. He himself was open to any suggestions that might facilitate the adoption of the new rules.

95. Mrs. WARZAZI drew attention to an error in paragraph 28 of the annotations to the provisional agenda (E/CN.4/Sub.2/1992/1/Add.1). The final sentence of that paragraph did not correctly reflect the Sub-Commission's decision on that question, since decision 1991/117 had not made specific reference to methods and means of dealing with violations of human rights.

The meeting rose at 6.05 p.m.